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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,502	02/23/2005	Hiroshi Mimura	1009682-000144	7858
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EXAMINER REYNOLDS, STEVEN ALAN				
ART UNIT 3728		PAPER NUMBER		
NOTIFICATION DATE 12/26/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary

Application No.

10/525,502

Applicant(s)

MIMURA ET AL.

Examiner

Steven Reynolds

Art Unit

3728

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8, 10, 11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8, 10, 11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the amendment filed on 11/4/2008. Claims 8, 10, 11, 14, 16 and 18 were amended; claims 9 and 12 were cancelled. Claims 8, 10, 11 and 13-18 are pending.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. (US 6,732,877). Wu discloses a substrate storage container including: a container body (8) of a front-opening box for storing substrates therein; a door (82) for opening and closing the front of the container body; and an inner-pressure adjustment device (air vent plug arrangement – See Fig. 2) attached to, at least, one of the container body and the door, for adjusting the pressure inside the container body closed with the door, wherein the inner-pressure adjustment device comprises an attachment cylinder (cylinder formed from 12 and 41) formed in cylindrical shape having a first opening (opening at edge 10) at one end face and a second opening (opening at 43) smaller than the first opening at an other end face, a hollow filter support structure (2) fitted into the attachment cylinder and a filter (5) held inside the filter support structure.

Wu discloses the claimed invention except is silent about the specific material of the attachment cylinder. It would have been obvious to one having ordinary skill in the

art at the time the invention was made to have formed the attachment cylinder from any material such as plastic (which can be considered to be elastic due to its material properties) in order to have the desired strength. It has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Regarding claims 10 and 11, Wu discloses an attachment hole (80) for the attachment cylinder is formed in, at least, one of the container body and the door, and a guide rib (rib surrounding hole 89 – See Fig. 2) for the inner-pressure adjustment device is formed near the attachment hole; and the attachment cylinder has a flange (at 10) projected from the outer peripheral surface thereof for hooking the attachment hole, the filter support structure is formed of a pair of separate support pieces (opposing pieces 222 and 42 which support the filter– See Fig. 3) opposing each other, each supporting piece having an approximately cylindrical form, and the opposing parts of the supporting pieces are extended outwards with respect to the width direction, forming filter holders.

4. Claims 13, 14, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. (US 6,732,877) as applied to claim 8 above, and further in view of Yamamoto (US 5,960,960). As described above, Wu discloses the claimed invention except is silent about the specifics of the shelf elements on the interior sides of the container body. However, Yamamoto teaches a substrate storage container comprising shelf elements which include a part of the substrate contact area of each shelf element that is formed with a low-frictional resistance portion (203 – See column 3,

lines 5-9) for the purpose of allowing the substrate to be easily removed from the shelf elements. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the shelf elements of Wu to include a low-frictional resistance portion as taught by Yamamoto in order to allow the substrates to slide into the shelf elements smoothly and to be removed more easily.

Regarding the limitation "each low-frictional resistance portion being formed by a texture transferred from a surface of a mold to a surface of the shelf element": the determination of patentability in a product-by-process claim is based on the product itself, even though the claim may be limited and defined by the process. That is, the product in such a claim is unpatentable if it is the same as or obvious from the product of the prior art, even if the prior product was made by a different process. *In re Thorpe*, 777 F.2d 695, 697, 227 USPQ 964, 966 (Fed. Cir. 1985). A product-by-process limitation adds no patentable distinction to the claim, and is unpatentable if the claimed product is the same as a product of the prior art. (Same cite as above)

Regarding claims 17 and 18, Wu-Yamamoto discloses the claimed invention except for the specifics of the low-frictional resistance portion of the shelf elements. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the low-frictional resistance portions from a material having any roughness in order to have the desired smoothness. It has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. (US 6,732,877) as applied to claim 8 above, and further in view of Nyseth (US 5,586,658). As described above, Wu discloses the claimed invention except is silent about the specifics of the interior backside of the container. However, Nyseth teaches a substrate container comprising a backside (interior surface of 18 - See Fig. 3 and Fig. 8) which includes grooves (115) with a sectional shape configured to be asymmetrical with respect to the substrate in order to hold the substrate in place in the container. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the interior backside of the container of Wu with grooves as taught by Nyseth in order to better hold the substrates in place within the container.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. (US 6,732,877) in view of Yamamoto (US 5,960,960) as applied to claim 14 above, and further in view of Nyseth (US 5,586,658). As described above, Wu-Yamamoto discloses the claimed invention except is silent about the specifics of the interior backside of the container. However, Nyseth teaches a substrate container comprising a backside (interior surface of 18 - See Fig. 3 and Fig. 8) which includes grooves (115) with a sectional shape configured to be asymmetrical with respect to the substrate in order to hold the substrate in place in the container. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the

interior backside of the container of Wu-Yamamoto with grooves as taught by Nyseth in order to better hold the substrates in place within the container.

Response to Arguments

7. Applicant's arguments filed 11/4/2008 have been fully considered but they are not persuasive. Applicant argues that Yamamoto's elastic pieces 203 are not low-frictional resistance portions of the grooves 106 lower in frictional resistance than non substrate contact areas of the grooves 106. Contrary to applicant's arguments, Yamamoto discloses that elastic pieces 203 are preferably made of material with low coefficient of friction. This fact along with the small surface area of the elastic pieces 203 that are in contact with the wafers allows the wafers to slide smoothly into the grooves.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Reynolds whose telephone number is (571)272-9959. The examiner can normally be reached on Monday-Friday 9:30am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571)272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. R./
Examiner, Art Unit 3728

/Mickey Yu/
Supervisory Patent Examiner, Art
Unit 3728